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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/196,338 11/19/98 HANDEL

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EXAMINER

KEMPER, M

ART UNIT	PAPER NUMBER
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2165

DATE MAILED:

07/03/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

GM

# Office Action Summary

Application No.

09/196,338

Applicant(s)

Handel et al.

Examiner

M. Kemper

Art Unit

2165



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Apr 11, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20) ☐ Other:

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1. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Upon review of the cited portions of the specification, it appears that the smart card stores a digital certificate which is used to gain access to the profile information stored on the database rather than storing the profile on the smart card as claimed.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-16, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz, patent number 6,029,195, in view of Dean et al., patent number 6,055,512.

Herz teaches a method for creating a user network interface comprising the steps of: allowing a user to aggregate profile information into sets including at least one of home persona and work persona and each persona references needed profiles (col. 5, lines 20-40, col. 7, lines 1-10, col. 10, lines 45-65, col. 11, line 65 - col. 12, line 60, col. 90, lines 1-35), obtaining user profile information (see at least col. 4, lines 48-67); gathering information regarding product characteristics (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66); correlating responses (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66, col. 7, lines 5-50); performing a statistical analysis of responses (see at least col. 4, line 60 - col. 5, line 20, fig. 12);

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and presenting the statistical analysis in a personalized report based on the profile information (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66, col. 7, lines 5-50 at least ranking, col. 65, lines 20-50, col. 68, lines 20-60). Herz also teaches storing and providing ratings (ranking) correlated to a product or service (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66, col. 7, lines 5-50); statistically analyzing user profiles and retrieving profiles (see at least col. 6, lines 16-60, col. 11, lines 1-45, line 65 - col. 12, line 40, col. 21, lines 5-35, col. 22, lines 15-50) and rules and restrictions are associated with at least one persona (col. 37, line 65 - col. 47, line 60).

Dean et al teaches storing the user profile on a smart card (abstract, col. 2, lines 35-40, 50-55, col. 5, lines 45 - col. 7, line 20, lines 45-65, col. 8, lines 30 - col. 9, line 15). It would have been obvious to one having ordinary skill in the art at the time of the invention to have stored the user profile information on a smart card as in Dean in the system of Herz because the smart card of Dean would have provided customized information and services as desired by Herz (abstract and summary at least) for users during travel and where the use of a smart card with purchasing records is suggested in Herz (col. 37, lines 45-65).

4. Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz, patent number 6,029,195.

Herz does not clearly teach the use of a template however, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used a template in displaying search queries and/or results since it is well known in the art to format a display

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following criteria and would have been adopted for the intended use of displaying, for example, the results of a query based on a ranking of highest to lowest and including the query itself as is common on search web sites.

5. Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz as above in view of Peckover, patent number 6,119,101.

Peckover teaches using templates based on features of products (col. 25, lines 55 - col. 26, line 20) as well as providing information and statistics (at least abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to have implemented the templates of Peckover in the system of Herz since the templates of Peckover would have aided in the searching of databases as in Herz for products the user would be most interested in. It also would have been obvious to have presented the information and statistics (for example, ranking) in a template since this would have provided an interface where the results are readily recognized by the user.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beauregard et al., patent number 5,974,413 teaches the use of multiple user profiles, one for work, one for home, etc (col. 25, lines 25 - col. 26, line 5, col. 47, lines 15-60, claim 69). Wong et al., patent number 5,890,175 shows several template interfaces in the figures.

Dworkin, patent number 4,992,940 teaches a product features template (col. 5, lines 40-65

7. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)  
(for informal or draft communications, please label "PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Kemper, whose telephone number is 703-305-9589. The examiner can normally be reached on Monday-Thursday from 8:30-6:00. The examiner can also be reached on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

M. Kemper  
June 29, 2001



M. Kemper  
Primary Examiner  
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